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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,877

, 01/16/2004

John Boyland

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EXAMINER

SHARP, JEFFREY ANDREW

ART UNIT

PAPER NUMBER

3677

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/18/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/759,877	Applicant(s) BOYLAND ET AL.	
	Examiner Jeffrey Sharp	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 9, 12, 14, 15 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9, 12, 14, 15 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

[1] This action is responsive to Applicant's remarks/amendment filed on 02 October 2006 with regard to the Official Office action mailed on 05 July 2006.

Status of Claims

[2] Claims 1-4, 7, 9, 12, 14, 15, and 21-29 are pending.

Response to Arguments/Remarks

[3] Claim(s) 1-4, 7, 9, 12, 14, 15, and 21-25 were previously rejected under 35 U.S.C. 102(b) or 35 U.S.C. 103(a) over several prior art references.

Applicant's arguments/remarks with regard to this rejection have been fully considered, but are moot in view of the following new grounds of rejection necessitated by amendment.

New Grounds of Rejection

Claim Rejections - 35 USC § 102

[4] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[5] Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Wilkerson et al. US-3,378,806.

In short, and given the broadest reasonable interpretation, Wilkerson et al. teaches a z-shaped nut having a base extension tab (10), a fastening aperture pressure application side plane (16) and an extension body (22,24) extending in a lateral direction opposite the base extension tab (10), the extension body having an exterior pressure application edge (26). The body (22,24) has a bore with internal threads (26).

[6] Claims 1-4, 7, 9, 21, 22, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindquist US-5,951,223.

In short, and given the broadest reasonable interpretation, Lindquist clearly teach a z-shaped nut having a base extension tab (20), a fastening aperture pressure application side plane (3) and an extension body (5,6,7) extending in a lateral direction opposite the base extension tab (20), the extension body having an exterior pressure application edge (4). The body (5,6,7) has a bore (8) with internal threads (13). The nut taught by Lindquist makes contact as disclosed with a fastening assembly (Figure 5) having an aperture (41).

Claim Rejections - 35 USC § 103

[7] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[8] Claims 1-4, 7, 9, 21, 22, and 27 are rejected under 35 U.S.C. 103(a) as being obvious over Goodyear US-501,564 or Grossman et al. US-6,585,448.

In short, and given the broadest reasonable interpretation, each of the above references clearly teach a z-shaped nut having a base extension tab, a fastening aperture pressure application side plane and an extension body extending in a lateral direction opposite the base extension tab, the extension body having an exterior pressure application edge and a bore through which a securing element passes. For instance, Grossman et al. shows base extension tab (15), fastening aperture pressure application side plane (5), and extension body (1,3) extending away from the base extension tab and having a bore adapted for receiving a securing bolt (12).

However, the above references fail to show the body having a bore with internal threads.

At the time of invention, it would have been obvious to those having an ordinary skill in the art, to make Goodyear's and Grossman et al.'s bores threaded, if it was found desirable to access the securing element from the exterior instead of from the interior. The examiner takes the position that it would be well within the level of an ordinary worker to thread the bores taught by Good year or Grossman et al. since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. See also, *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity

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measuring device was held to be an obvious matter of design choice). In the instant case, the particular placement of the screw would determine whether or not the bore need to be threaded.

[9] Claims 1-4, 7, 9, 12, 14, 15, and 21-29 are rejected under 35 U.S.C. 103(a) as being obvious over Turner US-4,316,676 in view of Grossman et al. US-6,585,448.

In short, and given the broadest reasonable interpretation, Turner teaches a plurality of fasteners (16) each having threaded bores (24) and mating securing bodies (20), said fasteners (16) in combination with a housing (14) and cover (12), the housing being a complete cylindrical tube, having a base extension tab (30), a fastening aperture pressure application side plane (28) and an extension body (16) extending in a lateral direction opposite the base extension tab, the extension body having an exterior pressure application edge (near left 38) and a fastening aperture through which said securing elements (20) pass. However, the above references fail to show the fasteners to be delimited by, or consisting essentially of a Z-shape. Moreover, Turner fails to mention motor housing assemblies

Grossman et al. suggest a Z-shape for better gripping the inside surface of the aperture, better balancing of the connection from moment forces, and to provide more surface contact area inside the housing.

Therefore, at the time of invention, it would have been obvious to those having an ordinary skill in the art, to modify Turner's fastener to be Z-shaped as suggested by Grossman et al., in order to provide better gripping the inside surface of the aperture, better balancing of the connection from moment forces, and to provide more surface contact area inside the housing.

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As for claims 23, 24, and 29, there would be no apparent reason why Turner, at the time of invention, would disqualify his fastening assembly from use within the motors art. Moreover, those of ordinary skill in the art would readily appreciate that Turner's assembly could be used to join any cylindrical tube to an end cover.

Conclusion

[10] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: See form PTO-892.

[11] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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[12] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached 7:00 am - 5:30 pm Mon-Thurs.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS



12/11/07



ROBERT J. SANDY
PRIMARY EXAMINER